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*Jodi A. Calderon*  
Jodi A. Calderon

Date:

*9-13-01*

#5

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Inventor(s): Christopher WEAVER

Art Unit:

Serial No. 09/819,092

Examiner: Unassigned

Filed: April 6, 2000

For: *System for Extracting Samples from a Stream*

Division of Appl. Serial No. 09/150,362, filed September 9, 1998

**REQUEST FOR RECONSIDERATION OF  
PETITION UNDER 37 CFR §1.182 TO TREAT  
PURPORTED CONTINUED PROSECUTION APPLICATION AS  
DIVISIONAL APPLICATION FILED UNDER 37 CFR §1.53(b)**

Director of the U.S. Patent  
and Trademark Office  
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Sir:

Applicant filed a Petition under 37 CFR § 1.182 on June 27, 2001 which was dismissed without prejudice in a decision mailed August 21, 2001. With its Petition, Applicant sought to have its Continued Prosecution Application filed April 6, 2000 treated as an application under 37 CFR § 1.53(b).

The Petitions Examiner noted in her decision that a petition of this sort must include (1) a fee of \$130 and (2) a copy of the complete nonprovisional application. A check in the amount \$130 was mailed with the June 27, 2001 Petition and no additional fees are believed to be payable with this communication. Nevertheless, should the Examiner consider any additional fees to be payable in conjunction with this or any



future communication, the Director is authorized to direct payment of such fees, or credit any overpayment to Deposit Account No. 50-1170.

Further, Applicant herewith submits a copy of the complete nonprovisional application, including the specification, drawings, and signed declaration. Grant of this petition is now believed to be in order and Applicant respectfully requests that the Petitions Examiner reconsider her decision and grant Applicant's Petition to treat the CPA request as an application under 37 CFR § 1.53(b). Applicant additionally requests entry and consideration of the Supplemental Preliminary Amendment filed June 27, 2001.

Applicant also notes the assignment of this matter to application number 09/819,092 and will amend its files to reflect the new number. Should there be any remaining questions the attending to of which would expedite this matter, the Petitions Examiner is requested to contact the undersigned at the telephone number appearing below.

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Respectfully submitted,

A handwritten signature in black ink, appearing to read "Timothy E. Newholm".

Timothy E. Newholm  
Registration No. 34, 400

Date: September 13, 2001

Enclosure:  
copy of complete nonprovisional application

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